



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/260,536	06/16/94	LORENCE	R 57704

JOHN W. RYAN, ESQ.  
IGEN, INC.  
16020 INDUSTRIAL DRIVE  
GAITHERSBURG MD 20877

18M2/0402 7

EXAMINER

SCHEINER, L

ART UNIT

PAPER NUMBER

1813

DATE MAILED:

04/02/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*See Attach Sheet*



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Please find below a communication from the EXAMINER in charge of this application

The communication filed on January 15, 1997 is non-responsive to the prior Office action because it again sets forth claims which are directed to an invention that is independent or distinct from the invention originally claimed. Withdrawal of claims by the examiner based on constructive election by original presentation would result in a lack of claims for examination. Moreover, 37 CFR 1.129(a) merely sets forth that the finality of the previous Office action is withdrawn, and not that claims drawn to a new invention may be presented for examination on the merits. Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a TIME LIMIT of ONE MONTH from the date of this letter or within the time remaining in the response period of the last Office action, whichever is longer. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b), but the period for response set in the last office action may be extended up to a maximum of SIX MONTHS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Scheiner whose telephone number is (703) 308-1122.

Papers related to this application may be submitted to Group 180 by facsimile transmission. Papers should be faxed to Group 180 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM 1 Fax Center number is (703) 305-7939.

Laurie Scheiner/LAS

LAURIE A. SCHEINER  
PATENT EXAMINER  
GROUP 1800

Art Unit: 1813

Newly presented claims 141-307 are pending. Claims 144-163, 166, 169-176 and 178-307 are directed to an invention that is independent from the invention originally claimed. Therefore, claims 144-163, 166, 169-176 and 178-307 are withdrawn by the examiner based on constructive election by original presentation. See 37 C.F.R. § 1.142(b) and M.P.E.P. § 821.03. Please also see Paper No. 22 wherein then newly submitted claims 22, 25, 37, 39-42, 44-47, 50-63, 65, 66, 68, 70-105, 109, 110, 112-116, 118, 119, 121-124, 126, 127, 129-132, and 135-139 were withdrawn since they were directed to an invention that was independent or distinct from the invention originally claimed. Instant claims 144-163, 166, 169-176 and 178-307 correspond to the previously withdrawn claims. Applicants are again reminded that 37 CFR 1.129(a) merely sets forth that the finality of the previous Office action is withdrawn, and not that claims drawn to a new invention may be presented for examination on the merits. Accordingly, claims 141-143, 164, 165, 167, 168, and 177 will be examined on the merits.

The declaration under 37 CFR 1.132 of Mark Peeples is persuasive.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 141-143, 164, 165 and 177 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bohle et al for reasons of record.

Claims 141-143, 164, 165 and 177 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Cassel et al for reasons of record.

Claims 141-143, 164, 165 and 177 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Murray et al for reasons of record.

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Laurie Scheiner/LAS  
July 3, 1997

  
LAURIE A. SCHEINER  
PATENT EXAMINER  
GROUP 1800